

# HOUSE JOURNAL

## OF THE

# IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTIETH LEGISLATURE

---

**THIRTIETH LEGISLATIVE DAY  
TUESDAY, FEBRUARY 10, 2009**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.  
Absent and excused – Kren. Total – 1.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Bryson Lind, Page.

### Approval of Journal

February 10, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-ninth Legislative Day and recommend that same be adopted as corrected.

CLARK, Chairman

Mr. Clark moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

### Report of Standing Committees

February 10, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 12](#), [HCR 13](#), [H 77](#), [H 78](#), [H 79](#), [H 80](#), [H 81](#), [H 82](#), [H 83](#), and [H 84](#).

CLARK, Chairman

[HCR 12](#) was referred to the State Affairs Committee.

[HCR 13](#) was referred to the Environment, Energy, and Technology Committee.

[H 77](#), [H 78](#), [H 79](#), and [H 84](#) were referred to the Education Committee.

[H 80](#) was filed for second reading.

[H 81](#) was referred to the Health and Welfare Committee.

[H 82](#) was referred to the Judiciary, Rules, and Administration Committee.

[H 83](#) was referred to the Revenue and Taxation Committee.

February 9, 2009

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled [HCR 2](#), [HCR 3](#), [HCR 4](#), and [HCR 5](#) to the Secretary of State at 1:56 p.m., as of this date, February 9, 2009.

CLARK, Chairman

February 9, 2009

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration [H 1](#) and recommend that it do pass.

BLACK, Chairman

[H 1](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

### Motions, Memorials, and Resolutions

#### HOUSE RESOLUTION NO. 2 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

A HOUSE RESOLUTION  
STATING FINDINGS OF THE HOUSE OF REPRESENTATIVES AND PROVIDING FOR THE ADDITION OF A NEW RULE 78 TO THE RULES OF THE HOUSE OF REPRESENTATIVES.

Be It Resolved by the House of Representatives of the State of Idaho:

WHEREAS, the House of Representatives deems it necessary and desirable to add a new Rule 78 to the Rules of the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the House of Representatives, assembled in the First Regular Session of the Sixtieth Idaho Legislature, that the Rules of the House of Representatives shall be amended by the addition thereto of a new Rule 78 to read as follows:

#### RULE 78

A proclamation is an instrument, the subject matter of which does not constitute a statute, which after being introduced in the proper committee shall be sent immediately to the floor for action without being referred back to committee. A proclamation may be passed by voice vote and, if appropriate, does not need to be sent to the other house for passage. An example of a proclamation shall include but not be limited to a vote of thanks, praise or honor for a special achievement, accomplishment, anniversary or birthday. For purposes of the calendar of the House of Representatives a proclamation shall be considered a petition.

#### HOUSE CONCURRENT RESOLUTION NO. 14 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE

**A CONCURRENT RESOLUTION  
STATING FINDINGS OF THE LEGISLATURE AND  
PROVIDING FOR THE AMENDMENT OF JOINT RULE 2  
OF THE JOINT RULES OF THE SENATE AND THE HOUSE  
OF REPRESENTATIVES OF THE STATE OF IDAHO.**

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the House of Representatives and the Senate deem it necessary and desirable to amend Joint Rule 2 of the Joint Rules of the Senate and the House of Representatives.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Joint Rule 2 of the Senate and the House of Representatives shall be amended to read as follows:

**JOINT RULE 2**

**Definitions.**—As used in these Joint Rules, unless the context clearly requires otherwise, the following terms shall have the meanings hereinafter respectively ascribed to them.

**Resolution.**—This term denotes the adoption of a motion, the subject matter of which would not properly constitute a statute. **EXAMPLES:** An alteration of the rules, a vote of thanks, a vote of censure, etc.

**Concurrent Resolution.**—This term denotes a resolution that originates in one house of the legislature where it is passed and is then sent to the other house for passage. It is signed by the presiding officers of both houses.

**Joint Resolution.**—A joint resolution is a resolution passed by both houses of the legislature proposing an amendment to the constitution of the state of Idaho.

**Proclamation.**—A proclamation is an instrument, the subject matter of which does not constitute a statute, which after being introduced in the proper committee shall be sent immediately to the floor for action without being referred back to committee. A proclamation may be passed by voice vote. If it is appropriate to have a proclamation is passed by approved by both the Senate and the House of Representatives, after the house of origin passes the proclamation, it shall be sent to the other house for passage where it shall be placed on the floor for action without being referred to a committee. An example of a proclamation shall include but not be limited to a vote of thanks, praise or honor for a special achievement, accomplishment, anniversary or birthday. For purposes of the calendars of the Senate and House of Representatives a proclamation shall be considered a petition.

**Bill.**—This term denotes the draft of a law or amendment thereto submitted to the legislature for its approval or rejection. Bills may be originated in either house and may be amended or rejected in the other, except that bills for raising revenue must originate in the House of Representatives and a bill originating in one house and amended in the other may not again be amended in the house of origin except pursuant to report of a conference committee.

The enacting clause of every bill must read "Be It Enacted by the Legislature of the State of Idaho." All bills must be signed by the presiding officers of the respective houses. Every act or joint resolution shall be plainly worded avoiding as far as practicable the use of technical terms.

**Joint Memorial.**—A petition or representation made by the House of Representatives and concurred in by the Senate, or vice versa, addressed to whoever can effectuate the request of the memorial.

**Engrossed Bill.**—An amended bill with the amendments correctly drafted and before the house of origin for further action.

Enrolled Bill.—A bill that has passed both houses and awaits only the signatures of the presiding officers thereof.

**HOUSE CONCURRENT RESOLUTION NO. 15  
BY BUSINESS COMMITTEE**

**A CONCURRENT RESOLUTION  
STATING FINDINGS OF THE LEGISLATURE AND  
AUTHORIZING THE LEGISLATIVE COUNCIL TO  
APPOINT A COMMITTEE TO UNDERTAKE AND  
COMPLETE A STUDY OF THE FEASIBILITY AND  
EXPENSE OF PROVIDING SMALL BUSINESSES BETTER  
ACCESS TO AFFORDABLE HEALTH INSURANCE.**

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, access to affordable health care and affordable health insurance is a huge issue facing Idaho small businesses; and

WHEREAS, small businesses find traditional underwriting practices make it difficult to provide affordable health insurance for their employees; and

WHEREAS, small businesses in Idaho find it more difficult to provide affordable health insurance to their workers than do larger businesses; and

WHEREAS, it would be desirable to have more Idaho small businesses provide health insurance to their workers.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixtieth Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of the feasibility and expense of providing small businesses easier and cheaper alternatives for providing their employees with affordable health insurance. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the Second Regular Session of the Sixtieth Idaho Legislature.

HR 2, HCR 14, and HCR 15 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 85  
BY APPROPRIATIONS COMMITTEE**

**AN ACT  
TRANSFERRING MONEYS FROM THE IDAHO  
MILLENNIUM FUND TO THE IDAHO MILLENNIUM  
INCOME FUND FOR FISCAL YEAR 2009; AND  
DECLARING AN EMERGENCY.**

**HOUSE BILL NO. 86**  
**BY APPROPRIATIONS COMMITTEE**  
AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2009; REDUCING THE APPROPRIATION TO THE DEPARTMENT OF CORRECTION FOR FISCAL YEAR 2009; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 87**  
**BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE**  
AN ACT

RELATING TO VULNERABLE ADULTS; AMENDING SECTION 18-1505, IDAHO CODE, TO REVISE A DEFINITION.

**HOUSE BILL NO. 88**  
**BY BUSINESS COMMITTEE**  
AN ACT

RELATING TO MORTICIANS; AMENDING SECTION 54-1112, IDAHO CODE, TO REVISE REQUIREMENTS RELATED TO RESIDENT TRAINEE LICENSURE.

**HOUSE BILL NO. 89**  
**BY BUSINESS COMMITTEE**  
AN ACT

RELATING TO BARBERS; AMENDING SECTION 54-504, IDAHO CODE, TO PROVIDE AN ADDITIONAL EXCEPTION TO LICENSURE REQUIREMENTS AND TO REVISE CERTAIN OTHER EXCEPTIONS.

**HOUSE BILL NO. 90**  
**BY BUSINESS COMMITTEE**  
AN ACT

RELATING TO LIQUEFIED PETROLEUM GAS PUBLIC SAFETY; AMENDING SECTION 54-5308, IDAHO CODE, TO PROVIDE A FEE CAP FOR EACH APPLICATION, ORIGINAL LICENSE AND ANNUAL RENEWAL OF ANY FACILITY LICENSE.

**HOUSE BILL NO. 91**  
**BY BUSINESS COMMITTEE**  
AN ACT

RELATING TO GEOLOGISTS; AMENDING SECTION 54-2804, IDAHO CODE, TO REVISE A PROVISION RELATING TO QUALIFICATIONS FOR BOARD MEMBERSHIP; AMENDING SECTION 54-2808, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE POWERS OF THE BOARD AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SECTION 54-2810, IDAHO CODE, RELATING TO RECORD AND REGISTER KEEPING; AMENDING SECTION 54-2818, IDAHO CODE, TO CLARIFY CERTAIN CONTRACT EXCEPTIONS AND TO PROVIDE CORRECT TERMINOLOGY; AMENDING SECTION 54-2819, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISCIPLINARY GROUNDS AND PROCEEDINGS AND TO PROVIDE AN ADMINISTRATIVE FINE FOR CERTAIN VIOLATIONS; AND AMENDING SECTION 54-2821, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY AND TO PROVIDE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 92**  
**BY BUSINESS COMMITTEE**

AN ACT

RELATING TO ARCHITECTS; AMENDING SECTION 54-302, IDAHO CODE, TO REVISE EXAMINATION AND LICENSURE REQUIREMENTS AND TO MAKE TECHNICAL CORRECTIONS.

[H 85](#), [H 86](#), [H 87](#), [H 88](#), [H 89](#), [H 90](#), [H 91](#), and [H 92](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

[H 30](#), by Revenue and Taxation Committee, was read the second time by title and filed for third reading.

[SCR 102](#), by State Affairs Committee, was read the second time by title and filed for third reading.

**Third Reading of Bills and Joint Resolutions**

[H 64](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Collins to open debate.

The question being, "Shall [H 64](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Saylor, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayne, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker.  
Total – 68.

NAYS – Harwood. Total – 1.

Absent and excused – Kren. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 64](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[HCR 10](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Crane to open debate.

The question being, "Shall [HCR 10](#) be adopted?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer,

Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Kren. Total – 1.

Total – 70.

Whereupon the Speaker declared [HCR 10](#) adopted and ordered the resolution transmitted to the Senate.

[H 66](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Ringo to open debate.

The question being, "Shall [H 66](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Kren. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 66](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 67](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McGeachin to open debate.

The question being, "Shall [H 67](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 69.

NAYS – None.

Absent and excused – Kren. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 67](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 18](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gibbs to open debate.

The question being, "Shall [H 18](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Harwood, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 68.

NAYS – None.

Absent and excused – Kren, Rusche. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 18](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 19](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Thompson and Mr. Durst to open debate.

The question being, "Shall [H 19](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon, Chavez, Chew, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Mathews, McGeachin, Moyle, Nielsen, Nonini, Pasley-Stuart, Palmer, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(02), Shepherd(08), Shirley, Simpson, Smith(30), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 63.

NAYS – Clark, Hart, Harwood, Luker, Marriott, Smith(24), Total – 6.

Absent and excused – Kren. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 19](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

[H 31](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Hagedorn to open debate.

The question being, "Shall [H 31](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Andrus, Barrett, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Boyle, Burgoyne, Chadderdon,

Chavez, Chew, Clark, Collins, Crane, Cronin, Durst, Eskridge, Gibbs, Hagedorn, Hart, Hartgen, Henderson, Higgins, Jaquet, Jarvis, Killen, King, Labrador, Lake, Loertscher, Luker, Marriott, Mathews, McGeachin, Moyle, Nielsen, Nonini, Palmer, Pasley-Stuart, Patrick, Pence, Raybould, Ringo, Roberts, Ruchti, Rusche, Sayler, Schaefer, Shepherd(08), Shirley, Simpson, Smith(30), Smith(24), Stevenson, Takasugi, Thayn, Thompson, Trail, Wills, Wood(27), Wood(35), Mr. Speaker. Total – 67.

NAYS – Harwood, Shepherd(02). Total – 2.

Absent and excused – Kren. Total – 1.

Total – 70.

Whereupon the Speaker declared that [H 31](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

There being no objection, the House advanced to the Sixteenth Order of Business.

### **Adjournment**

Mr. Moyle moved that the House adjourn until 11 a.m., Wednesday, February 11, 2009. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:39 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk